

RECEIVED  
CENTRAL FAX CENTER

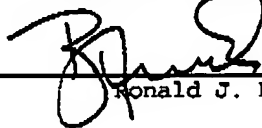
NOV 13 2009

PATENT  
FINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/743,745 Confirmation No. 9090  
Applicant : Shigekazu YASUOKA et al.  
Filed : December 24, 2003  
TC/A.U. : 1742  
Examiner : Jessee Randall Roe  
Dkt. No. : SNY-048  
Cust. No. : 20374

I hereby certify that this paper is being  
facsimile transmitted on November 13, 2009,  
to the United States Patent and Trademark  
Office to facsimile number (571)273-8300.

  
\_\_\_\_\_  
Ronald J. Kubovcik

RESPONSE TO COMMUNICATION RE APPEAL DATED OCTOBER 29, 2009

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 13, 2009

Sir:

This paper responds to the Office communication dated October 29, 2009, re "Appeal".

The communication states that the Appeal Brief filed April 20, 2009, is defective because the Evidence Appendix includes two references that were introduced with the amendment filed January

P:\11-09\snv-048-pto-2009-comm-re-appeal.wpd

PATENT APPLN. NO. 10/743,745  
RESPONSE TO COMMUNICATION

PATENT  
FINAL

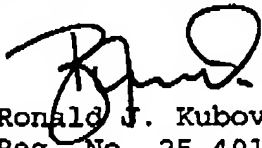
21, 2009, but which were not properly cited. The communication requires the filing of a new paper properly citing the references.

Attached to this response is Form PTO/SB/08 which lists the two references identified in the Evidence Appendix of the Appeal Brief filed April 20, 2009, and which were introduced with the amendment filed January 21, 2009.

The Examiner is respectfully requested to initial and date the attached Form PTO/SB/08 to show that the references have been considered and to then return the application/appeal to the Board of Patent Appeals and Interferences for docketing.

Respectfully submitted,

KUBOVCIK & KUBOVCIK

  
Ronald J. Kubovcik  
Reg. No. 25,401

Crystal Gateway 3  
Suite 1105  
1215 South Clark Street  
Arlington, VA 22202  
Tel: (703) 412-9494  
Fax: (703) 412-9345  
RJK/ff